

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Ex parte BRIAN D. POSSLEY

SEP 27 2002

Application No. 09/262,458

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 12, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The amendment that was received on July 16, 2001 (Paper No. 23) was labeled as Amendment B when it should have been labeled as Amendment F.

The Examiner indicated in an advisory action dated June 1, 2001 (Paper No. 20) that the amendments to claims would be entered upon the timely filing of a Notice of Appeal and Appeal Brief. This has not been done.

Application No. 09/262,458

Accordingly, it is

ORDERED that the application is returned to the Examiner for correction of the labeling of Amendment F, for the amendments to be entered to claims 1, 21 and 44 and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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RA02-0200